ATTACHMENT A
Remarks

Claims 1-24 are pending. As discussed below, the independent claims have been amended.

Claims 1-24 have been rejected under 35 USC 103(a) as being "unpatentable over" the Peng patent in view of the Howe et al ("Howe") patent. This rejection is respectfully traversed although, as indicated above, the independent claims have been amended to even more clearly distinguish over the cited references.

As amended, independent claims 1, 11 and 14 all recite that at least one of the three variables claimed is a physical location variable "relating to a physical location other than in a computer." Although the claims obviously are not limited to these examples, as provided for in the instant application, examples of such physical locations include home, living room, etc. as shown (e.g., in the drawings).

The Examiner acknowledges that "Peng does not explicitly teach a physical location" but relies on the Howe patent as making up this deficiency in the teachings of the Peng reference insofar as the present invention is concerned. In this regard, the Examiner contends that "Howe teaches at a physical location variable (as a value is in a system registry "C:\test.ini) (col. 10, lines 54-60)." The Examiner concludes that based on this teaching, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to identify a variables is a physical location as disclosed by Howe because it would speed up a searching process of Peng's system if a user provides a physical location to identify, for example, where a file resides at." The contentions of the Examiner here are respectfully traversed.

First, Howe, at the lines in question, merely provides, in connection with a discussion of statements of a particular general format, that another general format includes "C:\test.ini" wherein "C:\test.ini" is the "INI file to create/change."

Further, it is respectfully submitted that the statement portion in question is not a physical location variable as claimed and that, moreover, the reasoning provided in support of the proposed combination is not well taken. In this regard, Howe is concerned with dynamic distribution of system file and system registry changes in a

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distributed data processing system wherein an "application package" (consisting of system files and registry changes) is added to a user. When the user logs on, the detection of a "package" is made if the package is not already installed on the client machine. A batch file is used to copy those files and make the registry changes to the local machine. A "key" is then set on the machine indicating that the file/registry entries are installed. It is respectfully submitted that this has nothing to do with the method and apparatus of the Peng patent which are concerned with providing personalized application search results for wireless devices based on user profiles. Moreover, the contention that the combination would "speed up a searching process" of the Peng system does not follow from the actual teachings of the Peng reference (see, e.g., the Abstract).

Moreover, as indicated above, the claims now recite that the physical location variable relates to a physical location other than in a computer. It is respectfully submitted that this language clearly distinguishes over the combination of the Peng and Howe references, even assuming arguendo that this combination is a proper one. Further, it is respectfully submitted that this amendment does not raise new issues in that applicant has been arguing throughout the prosecution that the physical location variable being claimed was different from the "physical location" (file location) to which the Examiner has made reference in Howe.

In summary, it is respectfully submitted that the combination of the Peng and Howe references is necessarily the improper product of hindsight, and that, moreover, no fair combination of these two references would result in the present invention as claimed in independent claims 1, 11 and 14, particularly as now amended.

Turning to the dependent claims, these claims are patentable for at least the reasons set forth above in support of the patentability of the claims parent thereto and, in addition, some of these claims include separately patentable features.

Considering the latter point in more detail, it is respectfully submitted that claims 22, 23 and 24 are such separately patentable claims. In rejecting these claims, the Examiner has referred to the Howe patent and, in particular, to column 2, lines 29-36 and 64-67 and column 3, lines 1-4. It is respectfully submitted that these lines do not disclose the provision of stored data in the form of preference data. In the "Response to

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Arguments" section of the Office Action, the Examiner has quoted from lines 29-38 of column 2. It is respectfully submitted that the general reference to the "[e]normous cost and amounts of time [that] may be spent on accommodating **user preferences** while pursuing corporate directives for the use of standard configurations" (emphasis in the original) is not a disclosure of this feature of the invention. Similar remarks apply to the passage in Howe extending from line 64 of column 2 to line 4 of column 3. In this regard, it is not clear why the Examiner has emphasized the reference to "device drivers" in this passage and, more importantly, it is respectfully submitted that "user specific information" is not the same thing as preference data. In other words, user specific information need not be information relating to user preferences. In fact, it appears that the "user specific information" here is merely information associated with a specific user based on the name of the user or other identification of the user, and not based on user preference. Thus, it is respectfully suggested that the Examiner is reading more into the quoted statements from Howe than is actually contained therein.

Allowance of the application in its present form is respectfully solicited.

END REMARKS